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Attorneys for Defendants  
The Pep Boys Manny Moe & Jack of California; and  
The Pep Boys – Manny, Moe & Jack

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Art Navarro, individually, and on behalf of  
all others similarly situated, and as an  
aggrieved employee pursuant to the Private  
Attorneys General Act of 2004,

Plaintiff,

vs.

The Pep Boys Manny Moe & Jack of  
California, a California Corporation, The  
Pep Boys - Manny, Moe & Jack, a  
Pennsylvania Corporation, and DOES 1-25  
inclusive,,

Defendants.

Case No. C 07-2633 SI

**NOTICE OF MOTION AND MOTION TO  
DISMISS**

**[Fed. R. Civ. Proc. 12(b)(6)]**

Judge: Hon. Susan Illston  
Date: September 21, 2007  
Time: 9:00 a.m.  
Room: 10

1 TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
2 CALIFORNIA, AND TO PLAINTIFF ART NAVARRO:

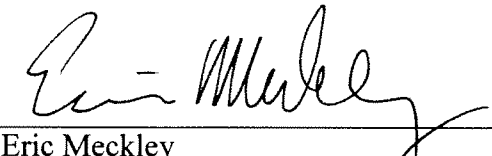
3 PLEASE TAKE NOTICE THAT on September 21, 2007, at 9:00 a.m., or as soon  
4 thereafter as counsel may be heard in Courtroom 10 of the above-entitled Court, located at 450  
5 Golden Gate Ave., San Francisco, CA 94102, pursuant to Federal Rule of Civil Procedure  
6 12(b)(6), Defendants The Pep Boys Manny Moe & Jack of California and The Pep Boys –  
7 Manny, Moe & Jack (“Defendants”) will and hereby do move the Court to dismiss Plaintiff’s  
8 Twelfth Claim for conversion, on the grounds that Plaintiff cannot state a claim for conversion  
9 based on an alleged failure to pay wages.

10 This motion is based upon this Notice, the accompanying Memorandum of Points and  
11 Authorities, the pleadings and records on file herein, and on such other and further argument and  
12 evidence as may be presented at the time of the hearing and all matters of which this Court may  
13 take judicial notice.

14  
15 Dated: July 13, 2007

MORGAN, LEWIS & BOCKIUS LLP

16  
17 By

  
Eric Meckley  
Attorneys for Defendants  
The Pep Boys Manny Moe & Jack of  
California; and The Pep Boys – Manny,  
Moe & Jack